



HOBART

Mildred P. Woryk

Associate Counsel

Phone: 513/332-4437

June 2, 1993

Catherine Garypie, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U. S. EPA
77 West Jackson Street, CM-3T
Chicago, IL 60604

Re: Powell Road Landfill
Your reference: CM-3T

Dear Ms. Garypie:

I was instructed to respond to the enclosed letter, which states that a response I provided in January of 1990 was deficient. Since the courtesy of a reference line was not provided and no hint of any kind given as to the nature of the response, I expended considerable amounts of my time searching through files to see what this could possibly involve.

My best guess is that it relates to the Powell Road Landfill. Therefore, I am answering with regard to that matter. My correspondence file on that matter is enclosed. I note that I sent three letters and an affidavit, all making clear that we never disposed of any material at that site.

When I received FOIA information alleging our company was involved, the documents did not have "Hobart Brothers" anywhere on them. Since I have the affidavit of a gentleman who was responsible for waste handling that nothing went there, and since my own research for another site confirms this, it is difficult for me to see how my response could have been lacking and numerous civil penalties threatened after my timely and good-faith response. There is no evidence of any kind we used the site, and plenty of confirmation that we did not.

I hope that this matter can be resolved by resending copies you may not have received with the file--Joe Cooley informs me that this file did not originate with you. If not, please give me a little more detail than the first letter did.

Sincerely,

Mildred P. Woryk

MPW/gs
Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MAY 26 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CM-3T

Hobart Brothers Company
Troy, OH 45373-2975

Dear Sir or Madam:

In January, 1990, the United States Environmental Protection Agency (U.S. EPA) issued an information request to your organization, pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as amended, 42 U.S.C. Section 9604(e). The information request was served by certified mail. This information request required your organization to provide certain documents and information within thirty (30) days of receipt of the notice.

Please be advised that U.S. EPA finds your organization's response to U.S. EPA's January, 1990 information request to be deficient. U.S. EPA requests that your organization provide a complete response immediately. You may, if you desire, assert a business confidentiality claim described by 40 CFR Section 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures, provided in 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by U.S. EPA, it may be made available to the public by U.S. EPA without further notice to your organization.

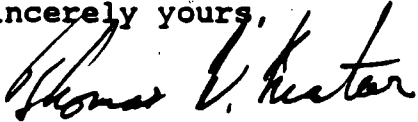
Continued failure to comply with the U.S. EPA's information request by fully, truthfully and timely responding to all items of that request, or adequately justifying such failure respond, may subject your organization to an enforcement action seeking to compel compliance and collect penalties of up to \$25,000 per day of noncompliance pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. Section 9604(e)(5). U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

Please send your complete response to:

Catherine Garypie
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA
77 West Jackson CM-3T
Chicago, IL 60604

Please contact Catherine Garypie, Assistant Regional Counsel, at (312) 886-7936, or Patricia Cosgrove, Assistant Regional Counsel, at (312) 886-6722, if you have any legal questions regarding this matter. All other questions should be directed to Jan Bartlett, Remedial Project Manager, at (312) 886-5438.

Sincerely yours,



Thomas W. Mateer, Chief
Superfund Program Mangement Branch
Office of Superfund

HOBART

Mildred P. Woryk
Associate Counsel

January 11, 1990

Mr. Joseph A. Kawecki
U. S. Environmental Protection Agency
5HSM/TUB-7
230 S. Dearborn Street
Chicago, IL 60604

Re: Powell Road Landfill, Huber Heights, Ohio

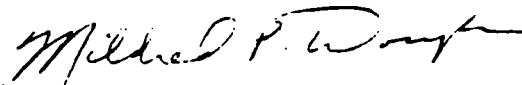
Dear Mr. Kawecki:

This will respond to a request made by Mr. John Kelley, that Hobart Brothers Company comply with the 104(e) letter sent January 8, 1989. Hobart Brothers is unable to provide any of the information requested regarding the Powell Road landfill site, because the company has never sent any of its waste there.

Our company, since its inception, has taken wastes to four different sites since that time, none of them in Huber Heights. In fact, a flow-control ordinance in our county would make that action illegal for Hobart Brothers or any of its contract carriers.

I am puzzled as to how you have obtained our name, and am sending out a FOIA request to see if it sheds any light. Please contact me if there is other information you require.

Sincerely,



Mildred P. Woryk

MPW/gjs

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AFFIDAVIT

STATE OF OHIO
COUNTY OF MIAMI

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Robert L. Lamme, upon oath duly sworn deposes and states as follows:

I am employed by Hobart Brothers Company, and have been since 1952. During the period of 1970 to 1986, my responsibilities have included solid waste disposal.

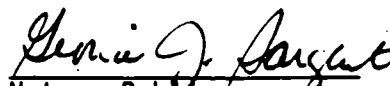
During that period, Hobart Brothers Company has never retained the services of a company known as SCA. To the best of my knowledge and belief, Hobart Brothers Company has never disposed of any material in the Powell Road Landfill.


Robert L. Lamme

STATE OF OHIO
COUNTY OF MIAMI

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This affidavit was personally sworn to and subscribed before me by Robert L. Lamme on this 2nd day of March, 1990.


Notary Public

GLORIA J. SARGENT, Notary Public
In and for the State of Ohio
My Commission Expires FEB. 9, 1992

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HOBART

Mildred P. Woryk
Associate Counsel

January 11, 1990

Mr. Robert Hartian
Freedom of Information Act Officer
5PA230-14
230 S. Dearborn Street
Chicago, IL 60604

Re: Powell Road Landfill

Dear Mr. Hartian:

Pursuant to the Freedom of Information Act, please provide to me any information which would suggest that Hobart Brothers is involved in any way in the Superfund Site known as Powell Road Landfill, Huber Heights, Ohio. Thank you for your assistance.

Sincerely,



Mildred P. Woryk

MPW/gjs

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HOBART

Mildred P. Woryk
Associate Counsel

January 25, 1990

Mr. Ken Tindall
U. S. EPA
Mail Code 5HS-11
230 S. Dearborn Street
Chicago, IL 60604

Re: Powell Road Landfill

Dear Mr. Tindall:

Per your request of January 22, here is a written response regarding haulers and destinations of wastes from 1960 to 1985. From 1960 to 1968, Hobart Brothers Company hauled its own trash to its own landfill. From 1968 to 1984, Hobart Brothers hauled its own trash to the Miami County Incinerator. From mid-1984 to 1985, Newman Container hauled it to the Miami County Incinerator.

This covers all of our solid waste except for that which comes from filler metals processing wastes. This was hauled to Tremont City from 1980 to the present, after being tested for leachate. Our hazardous waste was never sent to the Powell Road Landfill.

Sincerely,



Mildred P. Woryk

MPW/gjs